

**Hazardous Materials and Transportation Safety Newsletter** 

Issue #4

Fall 2000

# Upcoming TSI Classes in Oklahoma City:

Transportation of Hazmat -Basic Oct 23-27, Dec 4-8, Feb 26-Mar 2, Apr 30-May 4 -Recurrent Nov 13-15, Mar 13-15

Motor Carrier Safety Regs Oct 23-27, Jan 22-26, Mar 12-16, May 7-11

Air Transportation of Hazmat (ICAO/IATA) Nov 6-8, Mar 20-22

Vessel/IMDGC Feb 12-16

Instructor Training Feb 21-23, Apr 17-19

Cargo Tanks Jan 22-26

Explosives Jan 30-Feb 2

Performance-Oriented Packaging Oct 11-13, Feb 13-15

Haz Wastes & Substances Dec 12-15

Radioactive Materials Oct 31-Nov 3

Infectious Substances Oct 11-12, Jan 10-11, Apr 11-12

Cylinders May 2-4

Customized and on-site training also available.

For more information, or to receive a training brochure, please contact the TSI Hazardous Materials and Transportation Safety Division.

FlashPoints is published quarterly by the U.S. DOT Transportation Safety Institute, Hazardous Materials & Transportation Safety Division 4400 Will Rogers Parkway, Suite 218, Oklahoma City, OK 73108 Phone: (405) 949-0036 x374 E-mail: Hazmat@tsi.jccbi.gov Internet: http://www.tsi.dot.gov/dti30

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To be added/removed from the FlashPoints e-mailing list please contact: Hazmat@tsi.jccbi.gov

# RSPA Adds New Hazmat Outreach Positions

Hi, we're from the Federal government and we're here to help. How often have we heard this phrase? The Research and Special Programs Ad-

Dave Henry US DOT, RSPA Office of Hazardous Materials Safety ministration (RSPA) of the DOT has been authorized by Congress to do

just that. There will now be five people, one in each RSPA Hazmat field office, who are dedicated to safety assistance efforts.

The new RSPA Safety Assistance Team will work with state and local government, industry, and associations to foster safety through voluntary compliance and industry self-analysis. The emphasis of the new organization will be on hazmat safety and the ways RSPA can assist everyone to achieve it. In RSPA we will work with all the players involved to make the transportation of hazardous materials a safe enterprise. We will maintain an open dialogue with representatives of shippers, carriers, freight forwarders, drivers, packaging manufacturers and other personnel who accept or transport hazardous materials. We will work with state emergency response commissions, local emergency planning committees, regional response teams and industry to help find solutions to incidents before

Outreach continued on page 2

# US DOT May Shut Down "Unfit" Motor Carriers

Bill Syme TSI Motor Carrier Safety

US Transportation Secretary Rodney Slater has just announced a tough new safety rule

for shutting down unfit motor carriers. Effective Nov. 20, 2000, the new rule becomes final for carriers that are rated unsatisfactory during a compliance audit. The change will require

all "unfit" motor carriers to improve or stop operating their trucks and buses in interstate commerce.

This rule expands the existing prohibitions that covered just buses and placarded hazardous materials carriers. Secretary Slater indicated that this action was taken to meet the intent of Congress provided in the Transportation Equity Act for the 21<sup>st</sup> century (TEA-21), the highway funding bill. It also coincides with the goal of the Clinton administration to

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they arise.

Our people will soon be appearing at meetings, conventions, seminars, and will be available for problem solving at any time. Call the field offices listed below and ask for the safety assistance representative:

Eastern Region, West Trenton, NJ, 609-989-2256

### -Anthony Murray

Southern Region, College Park, GA, 404-305-6120

### -William Murphy

Central Region, Des Plaines, IL, 847-294-8590

-TBD

Southwest Region, Houston, TX, 713-718-3950

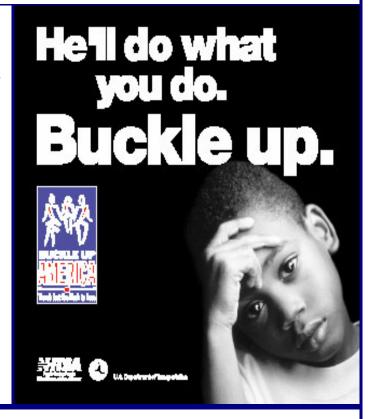
-TBD

Western Region, Ontario, CA, 909-483-5624

-Patricio Romero

Headquarters, Washington, DC, 202-366-4900

-Dave Henry, Team Leader •



## A Quick Look At: Infectious/Biohazard Labels of the U.S.

Infectious substances, diagnostic specimens, and regulated medical waste are transported in a variety of fashions in the US and under a variety of Federal regulations. Here's a quick look at three labels from Federal regulations that include the universal "biohazard" symbol. Though similar in appearance, they have different meanings and the labels cannot be used interchangeably.

A. The DOT "Infectious Substance" label. This label is used on those substances being shipped that are known to be infectious substances (or suspected of being infectious according to ICAO/IATA airline regulations). Packages bearing this label are fully regulated and should have the proper hazmat markings, shipping papers, package specifications,

etc. The Infectious Substance label is not required for diagnostic specimens.

stance label if the inner packages bear the Biohazard label. But contrary to

**B.** The CDC "Etiologic Agents" label. This red and white label is used for interstate shipments that contain—or are suspected of containing—specific pathogens that are listed in 42 CFR section 72.3. CDC regulations are independent of DOT regulations so a package may bear both the DOT and CDC labels. The CDC is currently redesigning this label.

c. The OSHA "Biohazard" label/marking. This label is used on packages of blood or "other potentially infectious materials" (OPIM). OPIM includes most bodily fluids and tissues (blood-free urine is not included). FDA-labeled blood released for transfusion or other clinical use is excluded. Recent clarifications from OSHA stipulate that the Biohazard label is not required on the outside of packages already bearing the DOT Infectious Sub-

the Biohazard label. But contrary to popular belief, the Biohazard label is required on diagnostic specimen packages containing blood and OPIM that do not bear the DOT Infectious Substance label. So the Biohazard label is even applied to routine testing specimens. Therefore, the appearance of the Biohazard label does not mean a specimen is suspected of being infectious and carriers who only accept "non-infectious" specimens should accept diagnostic specimen packages bearing this label. The DOT also allows this label to be used for regulated medical waste that is transported by private/contract carrier. Specifications for this label are flexible: Either a red or orange background with the symbol and text in a contrasting color (usually black or white). There are no size or shape specifications.



BIOMEDICAL MATERIAL

IN CASE OF DAMAGE OR LEAKAGE NOTIFY DIRECTOR CDC ATLANTA, GEORGIA 404-633-5313



For more information on the use of these labels consult the regulations in 49 CFR 173.134, 42 CFR 72.3, and 29 CFR 1910.1030, or contact us here at TSI.

—Jon Carter, TSI ♦

Unfit Carriers continued from page 1

cut commercial vehicle related accident deaths by half in ten years.

Key features of the new rule include:

- Passenger and Hazmat carriers will have 45 days to correct deficiencies.
- Applies to carriers rated <u>after</u> the effective date of Nov. 20, 2000.
- "Unsat" ratings held prior to effective date are not subject to the new rule retroactively.
- Under TEA-21, Federal agencies will be prohibited from using a motor carrier that is rated unsatisfactory by this review system.

The final rule was published in the Aug. 22, 2000

Federal Register under Docket No. OMCS-99-5467. Additional announcement information may be found on the FMCSA website: <a href="http://www.fmcsa.dot.gov">http://www.fmcsa.dot.gov</a>.



### We'll See You There

TSI Hazmat and Motor Carrier Safety instructors will be participating in the following upcoming events:



DOT Multi-Modal Hazmat Seminar, Cleveland, Sep 12-13 CVSA Annual Conference, Grand Rapids, MI, Sep 9-14 COHMED Fall Conference, Las Vegas, Oct 15-19 Great American Truck Show, Dallas, Nov 16-18, Booth 1902

Look us up and say hello!

# No "Return To Sender" When Violation is Discovered

What does a carrier do when they accept a hazmat package for transport and then discover later at their



facility that the package is in violation of the Hazardous Materials Regulations (HMR)? Keep it moving towards its destination? Bring it back to the shipper? The DOT Office of Hazardous Materials Standards

**A DOT Clarification** 

addressed this issue in a recent letter of clarification. Here is an excerpt from that letter:

"Specifically, you ask about the penalties associated with a common carrier who picks up a package for transportation by highway which is in violation of the HMR, transports it to a central processing facility where an audit at the carrier's facility reveals that a violation of the HMR exists. The carrier then transports the package back to the offeror without rectifying the violations. Section 171.2(a) states that no person may offer or accept a hazardous material for transportation unless the package conforms to the applicable regulations in the HMR. Generally, an offeror of the hazardous material must sign a certification statement as required by 172.204(a). As stated in the enclosed formal interpretation published in the Federal Register on June 4, 1988, (63 FR 30411) a

carrier violates the HMR when the carrier accepts or transports a hazardous material which has not been prepared in accordance with the applicable regulations of the HMR. The formal interpretation also clarifies carrier responsibility and the issue of "knowingly and willfully" violating the HMR. A carrier may not accept or transport, including continuing to transport, a package which is not in compliance with the HMR."

So, once discovered, the carrier may not continue to transport the package that is in violation—including returning it from a carrier facility to the original pick-up point. Though this example dealt with highway transportation, it also applies to other modes of transportation. Air carriers and shippers should also be aware of 49 CFR section 175.31, which requires the air carrier to notify the nearest FAA Civil Aviation Security Office when a shipment is found to be in violation after it has been accepted for air transport by the carrier. (Now you know why US air carriers have such a long checklist for accepting dangerous goods.)

For more information on this issue and to peruse and print letters of clarification on other hazmat transportation subjects, visit the DOT Hazmat web site at http//:hazmat.dot.gov. Click on "Rules & Regulations" then click on "Letters of Interpretation".

## Out Now: New Amendments to the HMR

On August 8, 2000, RSPA published a final rule on some miscellaneous amendments to 49 CFR Parts 100—185 (Docket # RSPA-99-6213, HM-218). Some of these amendments were clarifications of existing rules, other were changes that brought DOT regulations in line with international regulations, and others were just small changes or corrections that needed to be made. All of these amendments go into affect October 1, 2000. Compliance with these amendments is authorized as of August 18, 2000 (you can start complying now). Here are *brief* descriptions of *some* of the new amendments. Refer to the complete document (available at <a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a>) before complying.

### Highlighted amendments by section:

**171.8** Definition of "aerosol" no longer specifies "metal" receptacle.

**171.11** Adding "Poison" on shipping papers completed per ICAO is no longer required for material with a 6.1 subrisk since ICAO requires subrisks to be listed anyway.

171.11/12 An EX number (or product code #) must appear on shipping papers completed per ICAO/IMDGC for pyrotechnic airbag inflators and seatbelt pretensioners as specified in 173.166(c).

**171.12** Shipping papers completed per IMDGC or IAEA must be in English.

**172.101** The words "Liquid" or "Solid" may be added to PSNs for materials that could be shipped in either form.

**172.101/102** Special provision 78 is added for "Air, compressed" which says this PSN cannot be used for air mixtures containing more than 23.5% oxygen. No "Oxidizer" label is required when staying within this limit.

**172.204** Shipper's certification statement for aircraft replaces "packed" with "packaged", consistent with ICAO. "Packed" can be used until 2010.

**172.519** Text can be omitted from the "Oxygen" placard only in the cases where the identification number is being displayed on the placard.

**172.604** The Class 9 PSN "Consumer commodity" doesn't require emergency response information.

**173.12** Materials that are poisonous by inhalation are not allowed in the lab pack exception .

**173.13** The labeling exceptions for this "label-exempt" packaging do not apply to the "Cargo Aircraft Only" label. **173.160** Any large explosive normally intended for military use can be shipped unpackaged under specific conditions.

**173.166** A serviceable airbag module or seatbelt pretensioner that has been removed from a vehicle can be shipped by domestic highway/cargo aircraft without an EX or product number being entered on the shipping paper if the word "recycled" is entered on the shipping paper immediately after the basic shipping description.

178.3 DOT and UN package specification markings must be

marked on a *non-removable* component of the packaging.

**178.603** A slight discharge of material is allowed for *any* type of packaging during the drop test as long as it ceases immediately and there is no further leakage. **180.417** Copies of a vehicle certification report for cargo tank vehicles may be maintained either at a company's principal place of business or at the location where the vehicle is housed or maintained—*no* approval from the regional FMCSA (formerly the OMC) office is required. ◆

# The Road to Safety

Some time ago I was asked to define safety. Having been in the safety business for most of my adult life, I thought that defining safety would be a piece of



cake. It wasn't. So I came up with not so much a

### Paul Reamy

Manager

TSI Hazardous Materials & Transportation Safety Div.

definition as a statement that has been around for as long as TSI has been in existence. I recall seeing this statement in a TSI aircraft accident

investigation class many years ago. The statement can be applied to transportation in general.

#### Safety

"Every activity is obliged to improve it's safety record. Those who insist on ignoring the smaller safety problems which can be addressed, pointing to larger problems, are mostly evading the issue. Most effective safety measures deal with small portions of the total hazard. Over the years, the steady improvement that results is significant. If each step is discouraged because it doesn't solve the whole problem, then nothing is accomplished"—Author Unknown



### Registration Reminder

The registration requirement of 49 CFR, Part 107, Subpart G, has been extended to those who offer or carry any shipment of hazardous materials that

requires placarding. Many shippers and carriers who were never subject to registration before are now subject. The registration year began on **July 1**. Go to <a href="http://hazmat.dot.gov/register.htm">http://hazmat.dot.gov/register.htm</a> for the new registration form, instructions, and details on the fee schedule. See also our article in the Spring 2000 edition of FlashPoints at <a href="http://www.tsi.dot.gov/dti30">www.tsi.dot.gov/dti30</a>.